

**BY ORDER OF THE COMMANDER  
AIR COMBAT COMMAND**

**AIR COMBAT COMMAND  
INSTRUCTION 51-901**



**19 JANUARY 2016**

**Law**

**OFF-DUTY EMPLOYMENT**

**COMPLIANCE WITH THIS PUBLICATION IS MANDATORY**

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This instruction implements Title 10, the inherent authority of commanders, and is consistent with applicable portions of the Joint Ethics Regulation (JER). This instruction establishes internal agency procedures for processing requests for approval of off-duty employment filed by military and civilian employees in accordance with Sections 2-206a and 3-304 of the JER. This instruction also delegates to agency designees, commanders, heads of organizations, and supervisors the authority expressly granted by Sections 2-303 and 3-304 of DOD 5500.7-R to require DOD employees under their jurisdiction to report any off-duty employment prior to engaging in such employment, and to prohibit off-duty employment that will detract from readiness or pose a security risk. All military personnel assigned to Air Combat Command (ACC), including those assigned at bases of another host command, who seek to engage in

off-duty employment are required to submit an AF Form 3902, **Application and Approval for Off-Duty Employment**. ACC civilian personnel required to file financial disclosure reports pursuant to Sections 2-206a and 3-304 of the JER must also submit an AF Form 3902 prior to engaging in off-duty employment. ACCI 51-901 is a punitive instruction; military and respective civilian personnel who fail to comply with this instruction subject themselves to criminal liability and/or disciplinary action. This instruction does not apply to the Air National Guard or Air Force Reserve Command units and members. Ensure that all records created as a result of processes prescribed in this publication are maintained in accordance with Air Force Manual 33-363, *Management of Records*, and disposed of in accordance with Air Force Records Information Management System (AFRIMS) Records Disposition Schedule (RDS) located at <https://www.my.af.mil/afrims/afrims/afrims/rims.cfm>. Contact supporting records managers as required. Send recommended changes or comments using AF Form 847, *Recommendation for*

*Change of Publication*, to HQ ACC/JA, 220 Sweeney Blvd, Suite 122, Joint Base Langley-Eustis VA 23665. This publication may not be supplemented or further implemented/extended.

This ACCI requires the collection and maintenance of records protected by the Privacy Act of 1974 as prescribed in 10 USC 974, 10 USC 8013, Executive Order 9397, DoD 5507-R, Section 2-206 and 2-303.

## ***SUMMARY OF CHANGES***

Corrects publication format IAW the latest release of AFI 33-360. Updates JER reference from Section 3-306a to Section 3-304. Updates ACC/JA address and makes minor editorial changes.

### **1. Policy:**

1.1. **Prohibitions.** ACC personnel, both military and civilian, must not engage in off-duty employment that:

- 1.1.1. Is prohibited by statute or regulation;
- 1.1.2. Would detract from readiness; or
- 1.1.3. Would pose a security risk.

### **1.2. Explanation of Terms:**

1.2.1. The term "off-duty employment" means business activities and compensated outside employment, including self-employment. Examples of self-employment include the sale of insurance, real estate, cosmetics, household supplies, vitamins, and other goods or services. It does not include the one-time sale of personal property, the conduct of a garage sale or similar event, the rental of a residence previously occupied by the owner, or the occasional, compensated provision of personal services such as babysitting, house sitting, lawn mowing, car repair, or musical entertainment. Nor does it include services rendered as a volunteer when an incidental, non-monetary benefit (such as free child care or a free meal) is involved. For purposes of the above exceptions, an activity is "occasional" if it occurs less frequently than once a month, on the average.

1.2.2. The term "readiness" includes the ability of the Air Force to perform its mission in the manner and at the time and place required, and the ability of a military member or respective civilian employee to perform his or her government duties in the manner and at the time and place required.

### **1.3. Requirements:**

1.3.1. All military personnel and those civilian personnel required to file financial disclosure reports who intend to perform off-duty employment, including employment while on terminal leave, shall submit an AF Form 3902 to their first-level supervisor at least two weeks before beginning employment (except in cases where two weeks notice is not possible). Final approval must be obtained prior to starting off-duty employment. Medical service personnel must comply with the requirements regarding off-duty employment in AFI 44-102, *Patient Care and Management of Clinical Services*, in addition to the requirements of this instruction.

1.3.2. Personnel who have not obtained prior approval and who are, on the effective date of this instruction, already engaged in off-duty employment, shall have 90 days from that date to obtain such approval.

1.3.3. A new AF Form 3902 must be submitted whenever the type of employment or the employer changes, the individual's Air Force duties change significantly, or the number of regularly scheduled off-duty-hours increases. Occasional increases in hours due to situations such as the availability of overtime work, or the need to fill in for an absent co-worker, do not require resubmission of the AF Form 3902. Previously denied requests may be resubmitted after a change in the individual's Air Force duties.

1.3.4. Military personnel who fail to comply with the filing requirements of this instruction violate a lawful general order, which may result in appropriate disciplinary action or criminal liability under Article 92 of the Uniform Code of Military Justice. Respective Air Force civilian employees who violate this instruction by failing to comply with its filing requirements are subject to appropriate disciplinary action without regard to criminal liability.

## **2. Procedures for Completing AF Form 3902:**

2.1. **Section I.** The employee completes Section I.

2.2. **Section II.** The employee's immediate supervisor completes Section II.

2.3. **Section III.** In cases where the employee is required to file a SF 278, **Public Financial Disclosure Report**, or OGE Form 450, **Confidential Financial Disclosure Report**, and where the off-duty employment will be with a "prohibited source" as defined in the JER, DOD 5500.7-R (including any person or company that does business or seeks to do business with the DOD, regardless of the dollar amount of the contract or purchase), the Center, Wing or Organization JA shall complete Section III. In other cases, JA review is not required unless requested by the employee's immediate supervisor. However, Installation Commanders may require JA review in all cases. (This may be accomplished by letter, as opposed to by local supplementation of this instruction.)

2.4. **Section IV.** Section IV is completed by the first person in the employee's chain of command or supervision who is a commissioned military officer or a civilian GS-12 or above, and who is above the employee's immediate supervisor. However, if the employee's immediate supervisor is a General Officer, SES member, SES-equivalent employee or Center or Wing Commander (or equivalent), then the immediate supervisor also completes Section IV. The individuals specified in this paragraph who are authorized to complete Section IV of the AF Form 3902 (other than Unit Commanders) are considered to be Delegates of Unit Commanders, for purposes of completing Section IV of the AF Form 3902. Commanders may also delegate this authority to their Vice-Commanders.

**2.5. Filing AF Form 3902.** After a request is approved or disapproved, the original request will be maintained either by the individual's unit, or in one or more centralized locations (such as a Squadron Section Commander's office), or in such manner as the Installation Commander deems appropriate. Also, a copy of the completed AF Form 3902 will be sent to the Legal Office in cases where the Legal Office coordinated on the AF Form 3902. If the individual filed an OGE Form 450, the Legal Office will maintain the individual's AF Form 3902 with the individual's OGE Form 450.

HERBERT J. CARLISLE, General, USAF  
COMMANDER